

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ADAM JOSEPH BROWN,

Plaintiff,

v.

ERIC TICE, *et al.*,

Defendants.

No. 4:20-CV-00698

(Chief Judge Brann)

ORDER

AND NOW, this 19th day of April 2022, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 32) for summary judgment pursuant to Federal Rule of Civil Procedure 56 is **GRANTED** in part and **DENIED** in part, as follows:
 - a. The motion is **GRANTED** with respect to all claims against defendants Tice and Lusk for lack of personal involvement.
 - b. The motion is **GRANTED** with respect to Plaintiff's Section 1983 Eighth Amendment claim of deliberate indifference to serious medical needs against defendant Smith.
 - c. The motion is **GRANTED** with respect to Plaintiff's Section 1983 Eighth Amendment claim of excessive force against defendant Britton.
 - d. The motion is **DENIED** with respect to Plaintiff's Section 1983 Eighth Amendment failure-to-protect claim against defendant Dell.
2. Entry of judgment in accordance with the above paragraph is **DEFERRED** pending disposition of the remaining claim in this case.

3. The Clerk of Court is directed to terminate defendants Tice, Smith, Britton, and Lusk.
4. Plaintiff's Section 1983 claims of First Amendment retaliation and Fourteenth Amendment Equal Protection are **DISMISSED with prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge